

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In Re:

TOUGHER INDUSTRIES, INC.,

Debtor.

Main Case No. 06-12960
Chapter 11

(Jointly Administered)

In Re:

TOUGHER MECHANICAL, INC.,

Debtor.

Case No. 07-10022
Chapter 11

**ORDER AUTHORIZING
EMPLOYMENT OF
AUCTIONEER**

The Court having considered the foregoing Application by Lee E. Woodard, Esq., Chapter 11 Trustee to Tougher Industries, Inc., to employ Collar City Auctions Realty & Mgmt., Inc., as auctioneer, and the Affidavit of Randy Passonno, President in support thereof, and it appearing that Collar City Auctions Realty & Mgmt., Inc. is a disinterested party, and that the employment is in the best interests of the Debtor's estate, it is hereby

ORDERED, that the Trustee be and hereby is authorized to employ Collar City Auctions Realty & Mgmt., Inc., 9423 Western Turnpike, Delanson, New York 12053-2105 as auctioneer, effective upon entry of this Order on the Court's docket, with compensation to be paid in accordance with Local Rule 6005(1)(a)-(f) as follows: 10% of any gross proceeds of sale on the first \$100,000.00 or less, 5% of any amount in excess of \$100,000.00, but not in excess of \$200,000.00, and 2.5% of any amount in excess of \$200,000.00, upon further application to the Court, and it is further

ORDERED, that Collar City is directed to post a bond in favor of the United States of America in the amount of \$100,000.00. The cost of said bond will be a directly related expense of sale and will be obtained immediately upon approval of retention, and it is further

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**BANKRUPTCY JUDGE
ALBANY, NEW YORK**

HARRIS BEACH
ATTORNEYS AT LAW

DM#826346

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**OFFICE OF THE BANKRUPTCY CLERK
ALBANY, NY**

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APR 20 2007

**OFFICE OF THE BANKRUPTCY CLERK
ALBANY, NY**

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APR 13 2007

**BANKRUPTCY JUDGE
ALBANY, NEW YORK**

ORDERED, that all additional terms of retention and language contained in retention applications and declarations shall be attached and made part of this order.

Dated: April 20, 2007



HON. ROBERT E. LITTLEFIELD, JR.
UNITED STATES BANKRUPTCY JUDGE

NO OBJECTION - OFFICE OF U.S.

By:  4/20/07